

Exhibit 7

RNilsen 010305

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER; et al.,

Plaintiffs

CIVIL ACTION NO. 04-CV-2688

vs.

DOVER AREA SCHOOL DISTRICT,
et al.,

(JUDGE JONES)

Defendants

Deposition of : RICHARD NILSEN
Taken by : Plaintiffs
Date : January 3, 2005, 9:30 a.m.
Before : Vicki L. Fox, RMR,
Reporter-Notary
Place : Two School Lane
Dover, Pennsylvania

APPEARANCES:

PEPPER HAMILTON LLP
BY: ERIC J. ROTHSCHILD, ESQUIRE

ACLU OF PENNSYLVANIA
BY: WITOLD WALCZAK, ESQUIRE
For - Plaintiffs

THOMAS MORE LAW CENTER
BY: PATRICK T. GILLEN, ESQUIRE

For - Defendants

PARTIES: BETH EVELAND
CYNTHIA SNEATH
ARALENE AND FREDERICK CALLAHAN

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I N D E X

WITNESS

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16 view?

17 A. Because he believed the Darwinian theory was not the
18 only theory.

19 Q. Did you have an understanding of what he meant when he
20 said he wanted a balanced view?

21 A. I am sorry. I thought I answered that he wanted other
22 options.

23 Q. was he specific about what kind of other options he
24 wanted?

25 A. I'm sorry. Could you state that again?

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1 Q. Did he state what other kind of options he wanted in the
2 biology curriculum when evolution was taught?

3 A. Beyond the Of Pandas and People book? To me, no, not
4 that I can recollect.

5 Q. Could you turn to page six in Exhibit P-2 which is the
6 Answer?

7 A. (Witness complies.)

8 Q. In the first full paragraph, the Answer states that the
9 DASD Biology Curriculum Policy does not advance
10 religion, but merely provides the students of Dover High
11 School with an honest science education for the valid
12 and clearly secular purpose of enhancing the science
13 curriculum by informing students about the existing
14 scientific controversy surrounding Darwin's Theory of
15 Evolution, including the fact that there are alternative
16 scientific theories being advanced by scientists.

17 Do you understand that to be an accurate
18 recitation of the District's purpose in changing the
19 biology curriculum?

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20 A. Yes.

21 Q. Does that state the -- is that a full statement of the
22 District and Board's purpose in amending the biology
23 curriculum?

24 A. Yes.

25 Q. Do the District have any other purpose in amending the
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1 biology curriculum?

2 A. When you say District, who are you speaking of?

3 Q. The School District which you work for.

4 A. Again, you need to differentiate that. Meaning there
5 are various components of the School District. There is
6 Board members. There is administration. There is
7 teachers, and there is me. I can't speak for anybody
8 beyond me.

9 Q. Okay. Can you speak for administration?

10 A. I can only speak for me.

11 Q. Does this statement here reflect your understanding of
12 the purpose in amending the biology curriculum?

13 A. My purpose, yes.

14 Q. Did you have any other purpose?

15 A. No.

16 Q. To your understanding, does this reflect the Board's
17 understanding in amending the biology curriculum?

18 A. I won't speak for the Board.

19 Q. Do you have any understanding in what the Board's
20 purpose was in amending the biology curriculum?

21 A. I can state it this way: The Board members that I'm
22 aware of that reviewed this paragraph supported this
23 paragraph.